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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/881,600

06/14/2001

Jonathan R. Piesing

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,600	<b>Applicant(s)</b> PIESING ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 14 is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-9 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/27/2007 have been fully considered but they are not persuasive.
2. Applicant argues that Menand et al. does not disclose recommencing an application from the same starting point of the previously used application as recited in claims 1 and 6.
3. The examiner respectfully disagrees. Neither claims 1, nor 6, recited that returning to the previous starting point of the application is automatic. Menand et al. teaches a user I/O adapter (fig. 1, 424) which allow the user to control the playback, therefore the user has the ability to start the application from the beginning after the non-linear phase has been executed. Thus, the rejection of claims 1 and 6 stand.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Menand et al. (EP 0680213).
6. Consider claim 1. Menand et al. teaches a method for the handling of a recorded data stream and associated linear application, comprising the acts of : commencing

linear real-time playback of said data stream and commencing running of said linear application from a start point thereof; on entering a non-linear playback phase, stopping running of said application; and on recommencing of linear real-time playback of said data stream, recommencing running of said linear application from said start point (col. 1, line 1 – col. 3, line 15; fig. 1).

7. Consider claim 2. Menand et al. teaches the method as claimed in claim 1, wherein said application is not stopped from running when playback of the recorded data stream enters a non-linear phase if a predetermined indication to this effect is detected in the recorded data stream (col. 7, line 54 – col. 8, line 29).

8. Consider claim 4. Menand et al. teaches the method as claimed claim 1, wherein the running of said application requires loading and use of one or more resources, the method further comprising the acts of checking prior to recommencing running as to whether said one or more resources are still loaded and, if so, using said one or more resources which are still loaded (col. 17, lines 5-52).

9. Consider claim 5. Menand et al. teaches the method as claimed in claim 4, wherein use of said one or more resources involves a verification procedure, wherein the verification procedure is not repeated on recommencing running if it is determined that said one or more resources are still loaded (col. 17, lines 5-52).

10. Consider claim 6. Menand et al. teaches a data playback apparatus for the handling of a recorded data stream and associated linear application, comprising: storage means holding said recorded data stream and data defining said associated linear application; a data stream playback stage operable to perform linear real-time and

non-linear playback of said data stream from said storage means; an application processing stage operable to read said data defining said associated linear application from said storage means and run said linear application from a start point thereof on commencement of linear real-time playback by said data stream playback stage; the application processing stage being arranged, on entering of a non-linear playback phase by said data stream playback stage, to stop running of said application and on recommencing of linear real-time playback of said data stream, to recommence running of said linear application from said start point (col. 1, line 1 – col. 3, line 28).

11. Consider claim 7. Menand et al. teaches the data playback apparatus as claimed in claim 6, wherein said data stream playback stage is further operable to generate a menu display for output to a display device, the apparatus further comprising user operable input means for identifying a selection from said menu to the apparatus (col. 4, lines 18-20; col. 16, lines 17-21; fig. 1).

12. Consider claim 8. Menand et al. teaches the data playback apparatus as claimed in claim 7, wherein the application processing stage is operable to perform tasks other than stopping running of said application on the data stream playback stage entering said non-linear playback phase, with the selection of one or more of such tasks being made available to a user via said menu (col. 16, line 17- col. 17, line 4).

13. Consider claim 9. Menand et al. teaches the data playback apparatus as claimed in claim 7, wherein said data stream playback stage generates said menu on entering said non-linear phase (col. 16, lines 17-21).

***Allowable Subject Matter***

14. Claims 3 and 14 are allowed.
15. Claims 10-13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
July 5, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621